

conservation of fish and wildlife and their habitat.

## **PART 242—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA**

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AUTHORITY: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

### **Subpart A—General Provisions**

SOURCE: 64 FR 1286, Jan. 8, 1999, unless otherwise noted.

#### **§ 242.1 Purpose.**

The regulations in this part implement the Federal Subsistence Manage-

ment Program on public lands within the State of Alaska.

#### **§ 242.2 Authority.**

The Secretary of the Interior and Secretary of Agriculture issue the regulations in this part pursuant to authority vested in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), 16 U.S.C. 3101–3126.

#### **§ 242.3 Applicability and scope.**

(a) The regulations in this part implement the provisions of Title VIII of ANILCA relevant to the taking of fish and wildlife on public lands in the State of Alaska. The regulations in this part do not permit subsistence uses in Glacier Bay National Park, Kenai Fjords National Park, Katmai National Park, and that portion of Denali National Park established as Mt. McKinley National Park prior to passage of ANILCA, where subsistence taking and uses are prohibited. The regulations in this part do not supersede agency specific regulations.

(b) The regulations contained in this part apply on all public lands including all non-navigable waters located on these lands, on all navigable and non-navigable water within the exterior boundaries of the following areas, and on inland waters adjacent to the exterior boundaries of the following areas:

- (1) Alaska Maritime National Wildlife Refuge;
- (2) Alaska Peninsula National Wildlife Refuge;
- (3) Aniakchak National Monument and Preserve;
- (4) Arctic National Wildlife Refuge;
- (5) Becharof National Wildlife Refuge;
- (6) Bering Land Bridge National Preserve;
- (7) Cape Krusenstern National Monument;
- (8) Chugach National Forest, excluding marine waters;
- (9) Denali National Preserve and the 1980 additions to Denali National Park;
- (10) Gates of the Arctic National Park and Preserve;
- (11) Glacier Bay National Preserve;
- (12) Innoko National Wildlife Refuge;

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- (13) Izembek National Wildlife Refuge;
- (14) Katmai National Preserve;
- (15) Kanuti National Wildlife Refuge;
- (16) Kenai National Wildlife Refuge;
- (17) Kobuk Valley National Park;
- (18) Kodiak National Wildlife Refuge;
- (19) Koyukuk National Wildlife Refuge;
- (20) Lake Clark National Park and Preserve;
- (21) National Petroleum Reserve in Alaska;
- (22) Noatak National Preserve;
- (23) Nowitna National Wildlife Refuge;
- (24) Selawik National Wildlife Refuge;
- (25) Steese National Conservation Area;
- (26) Tetlin National Wildlife Refuge;
- (27) Togiak National Wildlife Refuge;
- (28) Tongass National Forest, including Admiralty Island National Monument and Misty Fjords National Monument, and excluding marine waters;
- (29) White Mountain National Recreation Area;
- (30) Wrangell-St. Elias National Park and Preserve;
- (31) Yukon-Charley Rivers National Preserve;
- (32) Yukon Delta National Wildlife Refuge;
- (33) Yukon Flats National Wildlife Refuge;
- (34) All components of the Wild and Scenic River System located outside the boundaries of National Parks, National Preserves or National Wildlife Refuges, including segments of the Alagnak River, Beaver Creek, Birch Creek, Delta River, Fortymile River, Gulkana River, and Unalakleet River.

(c) The public lands described in paragraph (b) of this section remain subject to change through rulemaking pending a Department of the Interior review of title and jurisdictional issues regarding certain submerged lands beneath navigable waters in Alaska.

### § 242.4 Definitions.

The following definitions apply to all regulations contained in this part:

*Agency* means a subunit of a cabinet level Department of the Federal government having land management authority over the public lands including,

but not limited to, the U.S. Fish & Wildlife Service, Bureau of Indian Affairs, Bureau of Land Management, National Park Service, and USDA Forest Service.

*ANILCA* means the Alaska National Interest Lands Conservation Act, Pub. L. 96-487, 94 Stat. 2371 (codified, as amended, in scattered sections of 16 U.S.C. and 43 U.S.C.)

*Area, District, Subdistrict, and Section* mean one of the geographical areas defined in the codified Alaska Department of Fish and Game regulations found in Title 5 of the Alaska Administrative Code.

*Barter* means the exchange of fish or wildlife or their parts taken for subsistence uses; for other fish, wildlife or their parts; or, for other food or for nonedible items other than money, if the exchange is of a limited and non-commercial nature.

*Board* means the Federal Subsistence Board as described in § 242.10.

*Commissions* means the Subsistence Resource Commissions established pursuant to section 808 of ANILCA.

*Conservation of healthy populations of fish and wildlife* means the maintenance of fish and wildlife resources and their habitats in a condition that assures stable and continuing natural populations and species mix of plants and animals in relation to their ecosystem, including the recognition that local rural residents engaged in subsistence uses may be a natural part of that ecosystem; minimizes the likelihood of irreversible or long-term adverse effects upon such populations and species; ensures the maximum practicable diversity of options for the future; and recognizes that the policies and legal authorities of the managing agencies will determine the nature and degree of management programs affecting ecological relationships, population dynamics, and the manipulation of the components of the ecosystem.

*Customary trade* means cash sale of fish and wildlife resources regulated in this part, not otherwise prohibited by Federal law or regulation, to support personal and family needs; and does not include trade which constitutes a significant commercial enterprise.

*Customary and traditional use* means a long-established, consistent pattern of